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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,447	12/20/2001	Ansgar Behler	C 2384 US	1498

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COGNIS CORPORATION  
2500 RENAISSANCE BLVD., SUITE 200  
GULPH MILLS, PA 19406

EXAMINER
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MRUK, BRIAN P

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 08/18/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

10/027,447

Applicant(s)

BEHLER ET AL.

Examiner

Brian P Mruk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11 and 14-31 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

2. Claims 12-13 and 22-23 are objected to because of the following informalities:  
The examiner notes that the phrase "by weight of di-unsaturated" in instant claims 12-13 and 22-23 should be amended to recite "by weight of C<sub>18</sub> di-unsaturated", as defined on page 2, line 30 of the instant specification. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 20-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The phrase "up to about" in claims 20 and 30 renders the claims vague and indefinite. The phrase "up to about" renders the claim indefinite, since one of ordinary skill in the art would not be able to ascertain the metes and bounds of the phrase "up to

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about". It is unclear what values are encompassed by the phrase "up to about". The examiner suggests that this phrase should be changed to either "up to" or "at most". Claims reciting "up to about" are invalid for indefiniteness where there was close prior art and there was nothing in the specification, prosecution history, or the prior art to provide any indication as to what range of specific activity is covered by the term about." See MPEP 2173.05(b). Appropriate correction and/or clarification is required.

6. Claim 21 contains the term "effective amount of a surfactant mixture". The term "effective amount" is considered vague and indefinite, because the claim fails to state the function that is to be achieved by the surfactant mixture. Appropriate correction and/or clarification is required. See MPEP Section 2173.05(d).

7. Claims 22-30 are rejected under 35 U.S.C. 112, second paragraph, for being dependent upon a claim with the above addressed 112 problem (i.e. claim 21).

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. Claims 11, 14-19, 21, 24-29 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Hennemann et al, U.S. Patent No. 4,153,570.

Hennemann et al, U.S. Patent No. 4,153,570, discloses a low foaming liquid washing detergent comprising 5-12% by weight of a sulfonate surfactant, 2-6% by weight of a sodium alkylpolyglycol ether sulfate, 2-6% by weight of a potassium or sodium soap, 15-28% by weight of an ethoxylated alcohol containing 16-18 carbon atoms and 8-12 ethoxylate groups, 2-7% by weight of a diethanolamide of a fatty acid, 4-10% by weight of a sulfonate, and 2-7% by weight of an alkanol (see col. 9, line 49-col. 10, line 45), per the requirements of the instant invention. Specifically, note Table I, Examples 1-5, which disclose compositions for washing clothes comprising 3.2-5.0% by weight of an alkyl ether sulfate, 6.4-10.0% by weight of a C<sub>16</sub>-C<sub>18</sub> alcohol with 5 moles of ethylene oxide and an iodine value of about 50, and adjunct ingredients, per the requirements of the instant claims. Therefore, instant claims 11, 14-19, 21, 24-29 and 31 are anticipated by Hennemann et al, U.S. Patent No. 4,153,570.

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10. Claims 11, 14-21 and 24-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al, U.S. Patent No. 6,551,976.

Smith et al, U.S. Patent No. 6,551,976, discloses a surfactant mixture comprising 40-60% by weight of a linear alcohol ethoxylate having about 3 to about 7 moles of ethylene oxide and a C<sub>12/14/16</sub> alkyl group, 20-30% by weight of an alkyl ether sulfate, and 20-30% by weight of an alkyl polyglycoside (see col. 5, lines 4-16 & col. 6, lines 20-30), per the requirements of the instant invention. Specifically, note Table 1, Example 1, which discloses a surfactant mixture containing the above-mentioned components in a process for removing soils in a home laundering process, per the requirements of the instant claims. Therefore, instant claims 11, 14-21 and 24-31 are anticipated by Smith et al, U.S. Patent No. 6,551,976.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (703) 305-0728. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone

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number for the organization where this application or proceeding is assigned is (703) 872-9310 (Before Final) and (703) 872-9311 (After Final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

BPM

Brian Mruk  
August 1, 2003

*Brian P. Mruk*

Brian P. Mruk  
Patent Examiner  
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